

MARLBORO COUNTY COUNCIL

MARLBORO COUNTY CONFERENCE ROOM

THURSDAY, JANUARY 11, 2007

6 PM

CHAIRMAN

MARION WRIGHT

VICE-CHAIR

JEAN WALLACE MCLEAN

ADMINISTRATOR

CECIL KIMREY

COUNTY ATTORNEY

DONNIE MCDONALD

COUNCIL:

JEAN MCLEAN,  
MICKEY ROGERS,  
DR. CAROLYN PRINCE, X  
STEVE BLACKMON, AND

JEFF QUICK,  
CORRIE H. PLATO, X  
KEN ALLEN,  
ANTHONY WOODS

\* ABSENT

INVOCATION – Ms. Jean Wallace McLean, Vice-Chair

INSTALLATION OF COUNCIL MEMBERS

Council Members Ms. Jean Wallace McLean, Mr. Steve Blackmon, and Mr. Anthony Woods were sworn in by Judge Edward Cottingham. Ms. Corrie Plato was not sworn in due to illness.

ELECTION OF OFFICERS

Mr. Cecil Kimrey, County Administrator advised he received a call from Dr. Carolyn Prince prior to the Council meeting. She was out of town due to a death in her family. She requested that the election of officers either be delayed until the next month or let her cast her vote by telephone.

**Motion made by Mr. Ken Allen, seconded by Mr. Jeff Quick to deny the request to postpone the election of officers. Vote in favor. Unanimous. Motion Carried.**

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Mr. Donnie McDonald advised it was illegal to allow any votes by telephone per the Freedom of Information Act.

Nomination of Chair

Nominations for Chair were made.

**Motion made by Mr. Ken Allen, seconded by Mr. Jeff Quick, to nominate Ms. Jean Wallace McLean as Chair to Council.**

Ms. Jean Wallace McLean, Vice-Chair asked if there were any more nominations. No other nominations were made.

**Motion made by Mr. Ken Allen, seconded by Mr. Anthony Woods, that the nominations come to a close. Vote in favor. Unanimous. Motion carried.**

**Since no other nominations were made, Ms. Jean Wallace McLean was recognized as Chair to County Council for FY 2007.**

Nomination of Chair

Nominations for Vice-Chair were made.

**Motion made by Mr. Ken Allen, seconded by Ms. Jean Wallace McLean, to nominate Ms. Mickey Rogers as Vice-Chair to Council.**

**Motion made by Mr. Anthony Woods, seconded by Mr. Ken Allen, to nominate Dr. Carolyn Prince as Vice-Chair to Council.**

Ms. Jean Wallace McLean, Vice-Chair asked if there were any more nominations. No other nominations were made.

**Motion made by Ms. Jean Wallace McLean, seconded by Mr. Ken Allen, that the nominations come to a close. Vote in favor. Unanimous. Motion carried.**

Ballots for Vice-Chair were distributed to Council Members. The ballots were marked and placed in a brown envelope – returned to Ms. Susan Rivers, Clerk to Council, who counted and registered the votes along with Mr. Donnie McDonald, County Attorney. The votes were read aloud and counted as:

Ms. Mickey Rogers – 5 votes

Dr. Carolyn Prince – 1 vote

**Official vote was 5/1 in favor of Ms. Mickey Rogers. Ms. Mickey Rogers was recognized as Vice-Chair to County Council for FY 2007. The original ballots are attached as part of the minutes.**

PRESENTATIONS

**Mr. Kevin Hales, Deputy Solicitor – Solicitor's Office** - addressed Council updating on the status for the Solicitor's Office. Mr. Hales advised that when he was employed his felt his two main objectives were to keep the dockets down as well as the population at the jail. He advised that since he began he feels that he has been doing that. He advised there were approximately 850 cases on the docket at present time. He advised that after Court on January 11<sup>th</sup>, there were 15 general session cases left at the Detention Center. He did state this did not include magistrate cases, municipal court cases, etc. Mr. Hales stated that the ideal number of cases on the dockets would be 800 or less.

**Mr. Ken Harmon, BDDA – Flag Committee** - addressed Council congratulating the new Council members elected and re-elected. Mr. Harmon said a flag committee was created by the BDDA to oversee the presentations of flags on various holidays. He introduced various members of the committee. They asked the general public to purchase a flag for \$50 in honor of or memory of some one . They now have a total of 158 American flags which they display downtown. Mr. Harmon advised they wish to expand the number of flags and areas they cover. He stated a monument will be built and placed on the grounds of the City's Visitors showing those who are being honored or in memory of. He introduced Mr. Bill Ward, Chair of the Flag Committee, who addressed County Council. Mr. Ward advised they would like to place twenty one flags around the Courthouse placing them approximately one hundred yards apart or fifty yards apart depending on which street you are on. He stated they would like to have the flags in place by Memorial Day. They requested the County to purchase 25 flags @ \$37.00 dollars a piece (\$925) so they can have them in place at the first flag day after the streetscape project is finished. Council was advised the price includes everything (poles, etc.) Council was advised that any help County can give would be appreciated.

**Ms. Marty Rankin, Chairman – Historical Preservation Commission** – addressed Council with various concerns for the historical buildings owned by Marlboro County. She passed out packets prior to her presentation. Ms. Rankin went over the various problems for the buildings and grounds of which some of the problems are in the process of being repaired and some still need to be repaired. She stated she knew the maintenance department for the county works hard and is stretched thin, however, she wants them to work a little harder. Ms. Rankin stated the Historical Preservation Commission recognized the costs of all the repairs needed are expensive, but, asked Councils consideration

APPROVAL OF MINUTES – DECEMBER 14, 2006

**Motion made by Mr. Ken Allen, seconded by Mr. Jeff Quick approving the minutes of December 14, 2006. Vote in favor. Unanimous. Motion carried.**

OLD BUSINESS

ORDINANCE # 616 – AN ORDINANCE ESTABLISHING THE TRINITY BEHAVIORAL CARE ADVISORY BOARD FOR MARLBORO COUNTY – THIRD READING

**Motion made by Ms. Mickey Rogers, seconded by Mr. Ken Allen approving the third reading of Ordinance # 616 – An Ordinance establishing the Trinity Behavioral Care Advisory Board for Marlboro County. Vote in favor. Unanimous. Motion carried.**

NEW BUSINESS

CONSIDERATION FOR COMPUTER HARDWARE/SOFTWARE REQUIREMENTS FOR MAGISTRATE OFFICE, ETC.

Mr. Cecil Kimrey, County Administrator advised a grant was given by the State totaling approximately \$242,000 for a fiber optic system to include the Administration Building, Courthouse, Detention Center, and Magistrate Office. Information was distributed prior to the meeting regarding the fiber optic system including hardware/software and support.

Mr. Cecil Kimrey advised that when the grant was provided, it was understood at that time the County would pay the annual fee for maintenance estimated at \$13,400. Mr. Kimrey advised that County missed paying the maintenance fee June. Mr. Kimrey advised State Officials helped us to obtain a quote from Compu Com for an annual amount of \$11,196.63 which staff felt to be the best option. The project would be charged to account 4195.

Mr. Kimrey advised the second priority concerns the hardware/software issues for the Magistrate Office which was also agreed upon when County received the grant from the state. Council was advised that PCSS has updated its software and will no longer support the software in place in Marlboro County. The State of SC is expected to develop a software system, but, it is expected to take at least two years. The Magistrate Office recommended the cheaper of the two alternatives from CompuForce and Lawtrak. Council was advised the project would be charged to account 4195.

The proposals presented for :

PCSS 3 year Cost

Option 1	79,920 plus tax	
Option 2	66,600 plus tax	
Lawtrak	24,750 plus tax	(software)
CompuForce	12,045	(hardware)
	<hr/>	
	36,795 plus tax	

Mr. Kimrey advised County would have to maintain this system for at least two years until the State can get their system up and running. Mr. Donnie McDonald, County Attorney questioned whether this covers Technical support – he advised Chief Justice Tohl was concerned about this. Mr. Kimrey advised this covers both the maintenance and the hardware.

**Motion made by Mr. Ken Allen, seconded by Ms. Mickey Rogers to approve the proposal recommended by staff for both the hardware/software and maintenance. Vote in Favor. Unanimous. Motion Carried.**

ORDINANCE # 618 – TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT EXCEEDING FOUR MILLION (\$4,000,000) GENERAL OBLIGATION BONDS OF MARLBORO COUNTY, SOUTH CAROLINA, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT THEREOF, AND OTHER MATTERS RELATING THERETO. – FIRST READING (TITLE ONLY)

**Motion made by Ms. Mickey Rogers, seconded by Mr. Steve Blackmon approving the first reading by Title Only of Ordinance # 618 – to provide for the issuance and sale of not exceeding four million (\$4,000,000) general obligation bonds of Marlboro County, South Carolina, to prescribe the purposes for which the proceeds shall be expended, to provide for the payment thereof, and other matters relating thereto. Vote in favor. Unanimous. Motion carried.**

REQUEST PERMISSION TO PAY MOSELY ARCHITECTS ADDITIONAL EXPENSES IN THE AMOUNT OF \$3950 FOR THE CIVIL ENGINEER FOR SITE CHANGES AT THE PROPOSED LIBRARY SITE

**Motion made by Ms. Mickey Rogers, seconded by Mr. Anthony Woods, approving payment of the additional charges of \$3950 from Mosely Architects for the Civil Engineer for site changes at the proposed Library site. Vote in favor. Unanimous. Motion Carried.**

REQUEST PERMISSION TO ALLOW JOHN HEPBURN TO CONTINUE USING THE FARM LAND THAT WAS LEASED TO J.T. KENNEDY BY MARLBORO COUNTY.

Mr. Cecil Kimrey, County Administrator advised Marlboro County has been leasing farm land to Mr. J.T. Kennedy. Mr. Hepburn is Mr. Kennedy's son-in-law and wishes to continue leasing the property.

Mr. Donnie McDonald, County Attorney advised it would be best to allow Mr. Kennedy to sub-lease the property to Mr. Hepburn.

**Motion made by Mr. Jeff Quick, seconded by Mr. Ken Allen, authorizing Mr. J. T. Kennedy to sub-lease the farm land to Mr. John Hepburn. Vote in favor. Unanimous. Motion carried.**

ASSISTANCE REQUEST BY KAREN PERRY, LANDMARK SERVICES INSURING THE 200 TAX BILL FOR THE BENNETTSVILLE DOWNTOWN LIMITED PARTNERSHIP

Ms. Karen Perry of Landmark Services was present and was recognized. She stated this has been an on going project for the last few years. The project was done in conjunction with the city of Bennettsville. Part of financing structure was on for affordable housing purposes. Ms. Perry stated the City passed an Ordinance in 2004 and the County passed their Ordinance in 2006 offering special tax incentives to renovate older historical properties. She stated a problem incurred when the assessment in calculation of tax bill by the County Auditor for the full amount. She advised they are struggling financially and need the tax bill calculated in accordance with ordinance passed by Marlboro County Council. She does not understand what problem Mr. Moore is having or whether he knows how to calculate.

Mr. Cecil Kimrey, County Administrator addressed the issue. He advised the problem with her request was the work had to be done after the ordinance had been passed, the work had started earlier.

She questioned the retroactive policy. She is not asking for refund for 2004-2005 but, for today and carry forward.

Mr. Donnie McDonald, County Attorney advised that he had spoken with other County's, attorneys, etc. The improvements were made before the adoption of the ordinance and could not be certified. The purpose of the Ordinance was suppose to be a tax incentive to encourage people to improve older buildings, and the ordinance is not retroactive. Mr. McDonald did advise that if new projects occur, they can bring the application to Council, let them certify it and it would qualify. Mr. McDonald advised the project Ms. Perry is asking for does not qualify for the incentive under the State act, our ordinance mirrors the state act.

**Motion made by Mr. Ken Allen, seconded by Ms. Mickey Rogers to table the issue for further discussion. Vote in favor. Unanimous. Motion Carried.**

ORDINANCE # 619 – AN ORDINANCE AUTHORIZING MARLBORO COUNTY TO CONTINUE AN AGREEMENT WITH THE MARLBORO COUNTY RESCUE SQUAD PROVIDING PARAMEDIC LEVEL EMERGENCY SERVICE AND TRANSFER SERVICE THROUGHOUT MARLBORO COUNTY – FIRST READING

Mr. Cecil Kimrey, Administrator advised the agreement with Marlboro Rescue Squad expired in June – Marlboro County was looking at a possible Franchise Agreement which was put on hold. He asked that Council renew the agreement for Paramedic Level Emergency Service and Transfer service until the Franchise Agreement can be put in force.

**Motion made by Mr. Ken Allen, seconded by Mr. Jeff Quick, approving the first reading of Ordinance # 619 – An Ordinance authorizing Marlboro County to continue an agreement with the Marlboro County Rescue Squad providing Paramedic Level**

**Emergency Service and Transfer Service throughout Marlboro County. Vote in favor. Unanimous. Motion carried.**

REPORTS

COMMITTEE REPORTS

No committee reports were given.

ADMINISTRATIVE/FINANCIAL REPORT – CECIL KIMREY, INTERIM COUNTY ADMINISTRATOR

**Expenditures** – are at 48% through December 31, 2006.

**Marian Wright Edelman Library** – Marlboro County received a commitment of \$250,000 from Mr. Hugh McColl, a \$25,000 check from First Citizens, and \$10,000 from Mr. Jimmy Dunne a friend of Hugh McColl.

**SC Department of Corrections** - has established a quota system for receiving prisoners from counties. Marlboro County has been notified that there will only be allocated slots for two (2) prisoners per week. The SC Association of Counties has requested a meeting with SCDC to discuss the matter along with the SC Sheriffs' Association and SC Jail Administrators' Association.

**Tri-County Industrial Park** – Marlboro County has received \$118,000 from Marlboro Electric, \$4,992.80 from Central Electric Power, \$10,714.28 from Berkeley Electric, and \$9,285.71 from Edisto Electric for economic development.

**Longevity Pay** – was added for full-time elected officials in the 2006-2007 budget, but not merit pay.

**Audit Report** – is past due because of loss of staff. The county should have received it and had it to the Comptroller General's Office by January 1, 2007. The County Administrator advised he would request an extension from the Comptroller General's Office.

**Hospital Charity Trust Foundation** – A check in the amount of \$60,000 was forwarded to Marlboro County for Marlboro Rescue Squad for an ambulance chassis and \$20,000 to be divided among the four county squads. Donnie advised the \$20,000 is for however, County wishes to distribute.

**NESA** – the representative for Marlboro County will change with the election of the new Council Chairman, in the past Council has let the Council Chair represent them on this board, if Council does not wish to continue in this way a new representative needs to be appointed to the board.

**Delta Woodside** – Donnie McDonald, County Attorney, Ray Jones of Parker Poe, and Cecil Kimrey, County Administrator met with Representatives of Delta Woodside regarding payments due to Marlboro County. They felt a favorable settlement was reached that would benefit Marlboro County.

Mr. Donnie McDonald this was in regards to a fee-in-lieu of agreement Delta Woodside had previously for improvements years earlier. The settlement is \$112,000 in addition to the taxes they owe for FY 2006.

The New owner of the property has contacted the Administrator for the possibility of the County acquiring the property, Mr. Kimrey advised he did not know if it were possible at this time. They are also looking into the possibility of keeping the mps permit, if the permit expires, the possibility of getting it back will probably be non-existent. The Administrator met with them six weeks previously – keeping the lease is a possibility.

**CTC request** – on January 9, 2007, the CTC approved the rock requested by the county and the parking lot requested by Blenheim Fire Department. CTC has requested an update on County Roads. They also increased funding for the new library.

**Detention Center Bids** – due to an emergency, County had to obtain bids for a new washer at the Detention Center. Bids Received were: Central Equipment Company - \$9,815.69 and Consolidated Laundry Equipment - \$10, 512.06. Over \$2,000 was spent last year and the cost of repair now is estimated to be \$4400. The Administrator requested permission to accept the bid from Central Equipment Company in the amount of \$9,815.69 for replacement of the washer. The Administrator requested an amendment to the agenda to place the item on it.

**Motion made by Mr. Ken Allen, seconded by Mr. Jeff Quick to add an item to the agenda. Vote in favor. Unanimous. Motion carried.**

**Motion made by Mr. Anthony Woods, seconded by Mr. Ken Allen, approving the bid from Central Equipment Company in the amount of \$9,815.69 for replacement of the washer at the Detention Center to be charged to their budget line item. Vote in favor. Unanimous. Motion carried.**

**Lobby Day** – Bo Setterly, SC Association of Counties advised Tuesday, January 16<sup>th</sup> is Lobby Day at the State House – requested information on whether any Council Members from Marlboro County Planned to Attend. The Administrator requested Council members advise Ms. Susan Rivers, Clerk to Council as to whether they planned to attend.

**Hazmat grant** – terms changed after council acceptance with 20% match. The terms were changed to 100% match with in place of a match of \$750, the match became \$3750. The Administrator recommended not taking grant. All Council members were in agreement not to accept the grant.



**Sheriff's Building** – need to select an Architect for the Sheriff's Building at the February meeting, requested Council make suggestions.

RECOGNITION OF CITIZENS' REQUEST TO SPEAK

No discussion was heard.

RECOGNITION OF COUNCIL MEMBERS

The new Council members were welcomed by all.

EXECUTIVE SESSION

**Motion made by Ms. Mickey Rogers, seconded by Mr. Jeff Quick to enter into Executive Session to discuss a contractual and legal issue. Vote in favor. Unanimous. Motion Carried.**

**Motion made by Mr. Jeff Quick, seconded by Mr. Ken Allen to leave Executive Session and re-enter open session. Vote in favor. Unanimous. Motion Carried.**

Ms. Jean Wallace McLean, Chair advised no decisions had been made, no votes had been taken.

ADJOURNMENT

There was no further discussion. The meeting was adjourned.

**Motion made by Mr. Ken Allen, seconded by Ms. Mickey Rogers to adjourn. Vote in favor. Unanimous. Motion Carried.**

(SEAL)

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JEAN WALLACE MCLEAN, CHAIR  
MARLBORO COUNTY COUNCIL

ATTEST:

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SUSAN E. RIVERS, CLERK  
MARLBORO COUNTY COUNCIL

Date Adopted: February 8, 2007